



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-8

**Date:** April 25, 2007

**Subject:** APPLICATION Z04-07-034A CYNTHIA & JUAN MOA JR  
Request that the City Council consider a request to change the zoning from "R-1A" Single Family Residential District to "AR" Adaptive Re-Use District on Lots 1, 2, and 3 of NCB 1264 in the Westview Addition (Volume 4, Page 40 Records of Smith County, Texas), three lots totaling .832 acres located on the northwest corner of the intersection of Darla Lane and Garden Valley Road (3223 Garden Valley Road).

**Page:** 1 of 2

**Item Reference:**

The applicants are requesting a zoning change to allow a portrait studio in a residence.

Section 10-220, "A-R" Adaptive Re-Use District, allows as permitted uses single-family residential, professional office, retail shops, personal services, churches, and public facilities. The maximum building height allowed within this district is two and one-half (2-1/2) stories or forty-two 42' in height. Setback requirements are 25' in the front and rear and six feet on the side. Minimum lot size is 7,000 square feet.

The adjacent properties to the north, south, and east are currently zoned "R-1A" Single-Family Residential District, and property to the west is zoned "C-1" Light Commercial District.

Currently, the land use chart does not allow for a portrait studio in the "R-1A" Single-Family Residential District. Staff states that the applicant has adequate space to provide for the professional studio minimum parking requirement of three additional spaces. Additionally, the lot does not have any physical constraints that would produce a negative impact on the area by allowing the operation of the portrait studio. The "A-R" Adaptive Reuse District will allow the portrait studio use while preserving the residential character of the home and neighborhood. The portrait studio will be a home occupation with the predominant use of the structure remaining as a home.

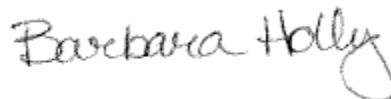
On April 3, 2007, the Planning and Zoning Commission held a public hearing on this request. Cynthia Moa spoke on behalf of the application and stated that her business would be by appointment only. Of the 15 notices mailed; two notices were returned in favor of the application and one notice was returned in opposition to the request. The total calculated protest is 3.28%.

**Agenda Number: Z-8**

**Page: 2 of 2**

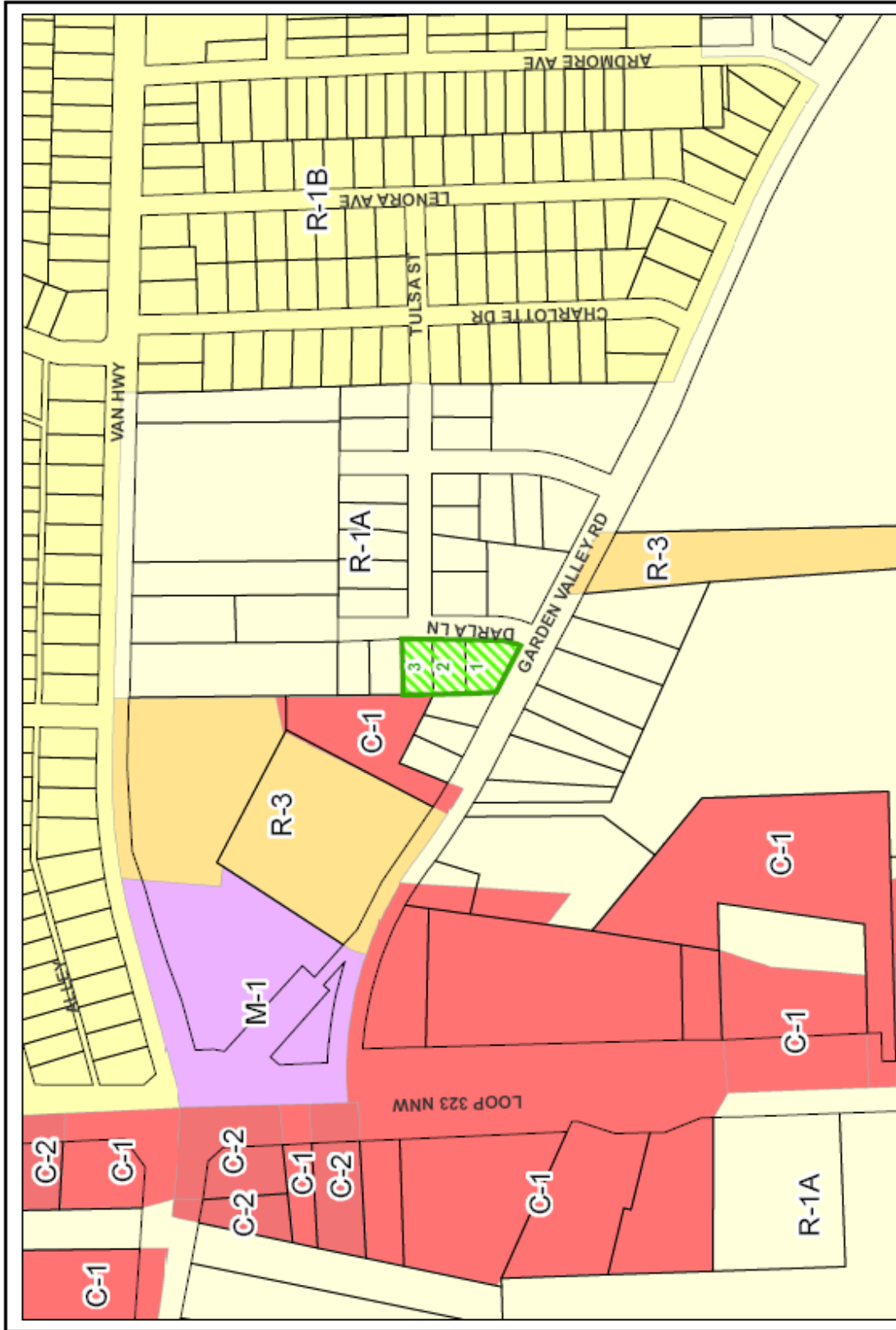
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “R-1A” Single-Family Residential District to “AR” Adaptive Re-Use District.

A handwritten signature in cursive script that reads "Barbara Holly".

**Drafted/Recommended By: Barbara Holly**  
**Department Leader                      Director of Planning**

**Edited/Submitted By:**  
**City Manager**



200 0 200 Feet

**ZONING CASE**

Zoning Cases #: Z04-07-034A  
 Existing Zoning: R-1A Proposed Zoning: AR  
 Applicant: CYNTHIA & JUAN MOA JR.

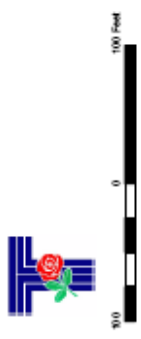


Subject Property



**ZONING CASE**

Zoning Cases #: Z04-07-034A  
 Existing Zoning: R-1A Proposed Zoning: AR  
 Applicant: CYNTHIA & JUAN MOA JR.



**ORDINANCE NO. O-2007-43**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the following zone change is hereby approved as follows:

**I. APPLICATION Z04-07-034A**

That the following described property, which has heretofore been zoned "R-1A" Single-Family Residential District, shall hereafter bear the zoning classification of "A-R" Adaptive Re-Use District to-wit:

Lots 1, 2, and 3 of NCB 1264 in the Westview Addition (Volume 4, Page 40 Records of Smith County, Texas), three lots totaling .832 acres located on the northwest corner of the intersection of Darla Lane and Garden Valley Road (3223 Garden Valley Road).

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning change.

**PART 3:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**PART 4:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

**PASSED AND APPROVED** this the 25<sup>th</sup> day of April, A.D., 2007.

\_\_\_\_\_  
JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

APPROVED:  
\_\_\_\_\_

A T T E S T:  
\_\_\_\_\_

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY